



Rep. Ed Sullivan Jr.

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09400HB3030ham001

LRB094 06161 DRJ 44896 a

1 AMENDMENT TO HOUSE BILL 3030

2 AMENDMENT NO. _____. Amend House Bill 3030 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Senior Citizens Real Estate Tax Deferral
5 Act is amended by changing Section 3 as follows:

6 (320 ILCS 30/3) (from Ch. 67 1/2, par. 453)

7 Sec. 3. A taxpayer may, on or before April ~~March~~ 1 of each
8 year, apply to the county collector of the county where his
9 qualifying property is located, or to the official designated
10 by a unit of local government to collect special assessments on
11 the qualifying property, as the case may be, for a deferral of
12 all or a part of real estate taxes payable during that year for
13 the preceding year in the case of real estate taxes other than
14 special assessments, or for a deferral of any installments
15 payable during that year in the case of special assessments, on
16 all or part of his qualifying property. The application shall
17 be on a form prescribed by the Department and furnished by the
18 collector, (a) showing that the applicant will be 65 years of
19 age or older by June 1 of the year for which a tax deferral is
20 claimed, (b) describing the property and verifying that the
21 property is qualifying property as defined in Section 2, (c)
22 certifying that the taxpayer has owned and occupied as his
23 residence such property or other qualifying property in the
24 State for at least the last 3 years except for any periods

1 during which the taxpayer may have temporarily resided in a
2 nursing or sheltered care home, and (d) specifying whether the
3 deferral is for all or a part of the taxes, and, if for a part,
4 the amount of deferral applied for. As to qualifying property
5 not having a separate assessed valuation, the taxpayer shall
6 also file with the county collector a written appraisal of the
7 property prepared by a qualified real estate appraiser together
8 with a certificate signed by the appraiser stating that he has
9 personally examined the property and setting forth the value of
10 the land and the value of the buildings thereon occupied by the
11 taxpayer as his residence.

12 The collector shall grant the tax deferral provided such
13 deferral does not exceed funds available in the Senior Citizens
14 Real Estate Deferred Tax Revolving Fund and provided that the
15 owner or owners of such real property have entered into a tax
16 deferral and recovery agreement with the collector on behalf of
17 the county or other unit of local government, which agreement
18 expressly states:

19 (1) That the total amount of taxes deferred under this Act,
20 plus interest, for the year for which a tax deferral is claimed
21 as well as for those previous years for which taxes are not
22 delinquent and for which such deferral has been claimed may not
23 exceed 80% of the taxpayer's equity interest in the property
24 for which taxes are to be deferred and that, if the total
25 deferred taxes plus interest equals 80% of the taxpayer's
26 equity interest in the property, the taxpayer shall thereafter
27 pay the annual interest due on such deferred taxes plus
28 interest so that total deferred taxes plus interest will not
29 exceed such 80% of the taxpayer's equity interest in the
30 property.

31 (2) That any real estate taxes deferred under this Act and
32 any interest accrued thereon at the rate of 6% per year are a
33 lien on the real estate and improvements thereon until paid. No
34 sale or transfer of such real property may be legally closed

1 and recorded until the taxes which would otherwise have been
2 due on the property, plus accrued interest, have been paid
3 unless the collector certifies in writing that an arrangement
4 for prompt payment of the amount due has been made with his
5 office. The same shall apply if the property is to be made the
6 subject of a contract of sale.

7 (3) That upon the death of the taxpayer claiming the
8 deferral the heirs-at-law, assignees or legatees shall have
9 first priority to the real property upon which taxes have been
10 deferred by paying in full the total taxes which would
11 otherwise have been due, plus interest. However, if such
12 heir-at-law, assignee, or legatee is a surviving spouse, the
13 tax deferred status of the property shall be continued during
14 the life of that surviving spouse if the spouse is 55 years of
15 age or older within 6 months of the date of death of the
16 taxpayer and enters into a tax deferral and recovery agreement
17 before the time when deferred taxes become due under this
18 Section. Any additional taxes deferred, plus interest, on the
19 real property under a tax deferral and recovery agreement
20 signed by a surviving spouse shall be added to the taxes and
21 interest which would otherwise have been due, and the payment
22 of which has been postponed during the life of such surviving
23 spouse, in determining the 80% equity requirement provided by
24 this Section.

25 (4) That if the taxes due, plus interest, are not paid by
26 the heir-at-law, assignee or legatee or if payment is not
27 postponed during the life of a surviving spouse, the deferred
28 taxes and interest shall be recovered from the estate of the
29 taxpayer within one year of the date of his death. In addition,
30 deferred real estate taxes and any interest accrued thereon are
31 due within 90 days after any tax deferred property ceases to be
32 qualifying property as defined in Section 2.

33 If payment is not made when required by this Section,
34 foreclosure proceedings may be instituted under the Property

1 Tax Code.

2 (5) That any joint owner has given written prior approval
3 for such agreement, which written approval shall be made a part
4 of such agreement.

5 (6) That a guardian for a person under legal disability
6 appointed for a taxpayer who otherwise qualifies under this Act
7 may act for the taxpayer in complying with this Act.

8 (7) That a taxpayer or his agent has provided to the
9 satisfaction of the collector, sufficient evidence that the
10 qualifying property on which the taxes are to be deferred is
11 insured against fire or casualty loss for at least the total
12 amount of taxes which have been deferred.

13 If the taxes to be deferred are special assessments, the
14 unit of local government making the assessments shall forward a
15 copy of the agreement entered into pursuant to this Section and
16 the bills for such assessments to the county collector of the
17 county in which the qualifying property is located.

18 (Source: P.A. 90-170, eff. 7-23-97; 91-357, eff. 7-29-99.)".